

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-205

Judge:

Complainant:

ORDER

A superior court judge self-reported she attended and spoke at a political fund-raiser.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

After review, the Commission found that the fund-raiser benefitted a particular political party and did not concern the law, the legal system, or the administration of justice. Additionally, the Commission was concerned about the judge's seemingly cavalier attitude toward performing due diligence before undertaking an activity she understood had potential ethical ramifications. The Code unambiguously addresses (and prohibits) the conduct at issue.

While the judge's role in speaking at the fund-raising event was improper under Rules 1.2 and 3.7(A), the Scope section of the Code of Judicial Conduct provides that it is not intended that every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge to thoroughly review the Code and to abide by its limitations on fund-raising activities.

Dated: August 13, 2019

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 13, 2019.

Subject: Judicial conduct complaint on myself

I have probably committed an ethical breach: I was invited to speak at the _____ at the _____ on _____ . They wanted me to speak about _____ . I accepted and attended, and spoke about the _____ , with some focus on the effects of the _____ on our court (an issue we are grappling with at the moment); and on the importance of participating in the _____ , because by doing so you can be supportive of your neighbor and community. I did not endorse a candidate, or issue, but I did thank people for their assistance and support in my election _____). There is a video tape of the event, I believe. I don't have it; I just saw a camera in operation.

I actually thought about what I could and could not say, before I went, with the judicial canons in mind, but someone is concerned and has notified my presiding judge about my very participation in the event. I told Judge _____ that I would self - report, or make inquiry, about the matter. _____ believes it may be an ethical breach, and so I am self – reporting.

I feel that I was very circumspect in my oral presentation, and in my conduct throughout the _____ . I did not consume alcohol and I was dressed appropriately for a court officer _____). I did _____ . I probably committed an ethical breach, but I don't really know why. I was _____ ; it is so weird. Personally, I think I conformed to ethical standards; professionally, as a judge, there may be a finer distinction – the appearance of a judicial officer at all at the event—that I did not fully appreciate at the time.

If you could advise me whether I can attend political events, or speak at political events, or contribute to political causes or to candidates (!), and what might constitute a political event (!), as well, that would be appreciated. I think judicial officers are community leaders, and we have a duty to contribute to the community by being present at appropriate events, if asked. So I am scheduled to speak _____ . Will that constitute a political event? Or is it just the “fundraising” moniker that causes problems? Please let me know what else I need to know, or to do.

Thank you very much,